

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:)	
)	
HPA Monon)	Administrative Consent Order
Monon, Indiana)	
)	EPA-5-IN-98-17
Proceeding Pursuant to)	
Section 113(a) (1) (A))	
of the Clean Air Act,)	
42 U.S.C. §§ 7413(a) (1) (A))	
_____)	

This Administrative Consent Order ("Order") is issued by the Director of the Air and Radiation Division, United States Environmental Protection Agency ("U.S. EPA"), Region 5, pursuant to Section 113(a) (1) (A) of the Clean Air Act ("Act"), 42 U.S.C. §§ 7413(a) (1) (A).

STATUTORY AND REGULATORY BACKGROUND

1. Section 110 of the Act, 42 U.S.C. § 7410, requires each State to submit to the Administrator of the U.S. EPA ("Administrator") a plan (the State Implementation Plan or "SIP") for attaining and maintaining the National Ambient Air Quality Standards.
2. The Indiana SIP at 325 IAC 5-1-2(1) (A) establishes an opacity limit of 40% based on a 6-minute average of 24 consecutive readings. 325 IAC 5-1 was approved by the Administrator of the U.S. EPA on June 17, 1987 as part of the federally enforceable SIP for Indiana. 52 Fed. Reg. 23032. The recodification of this rule, with minor revision, was approved by U.S. EPA on June 15, 1995 and became effective July 15, 1995. 60 Fed. Reg. 31412.
3. APC 19, which was approved by U.S. EPA as part of the Indiana SIP on May 14, 1973 (38 Fed. Reg. 12696), provides for the issuance of construction and operating permits to ensure that the National Ambient Air Quality Standards and PSD standards will be attained and maintained. APC 19 was replaced by 326 IAC 2-1 which was approved by U.S. EPA on October 7, 1994, 59 Fed. Reg. 51108, effective December 6, 1994. Pursuant to 40 CFR § 52.23, failure to comply with a construction permit issued pursuant to APC 19 or 326 IAC 2-1 is a violation of the Indiana SIP.
4. The PSD regulations set forth at 40 C.F.R. § 52.21 were incorporated by reference into the Indiana SIP on August 8, 1980. 40 C.F.R. § 52.793.

5. Section 113(a) (1) (A) of the Act, 42 U.S.C. § 7413(a) (1) (A), authorizes the Administrator to issue an order requiring a person to comply with the requirements of a SIP whenever the Administrator, based on any information available, finds that such person has violated or is in violation of these requirements. Authority to issue such an Order has been delegated by the Administrator to the Director of the Air and Radiation Division.

FINDINGS

6. HPA Monon owns and operates a truck trailer plant located in Monon, Indiana.
7. On June 30, 1998, U.S. EPA issued to HPA Monon a Notice of Violation (NOV), pursuant to Section 113(a) (1) of the Act, alleging that HPA Monon violated 325 IAC 5-1-2(1) (A) by emitting greater than 40% opacity from the boiler at Plant 8 and that HPA Monon violated 40 C.F.R. § 52.21 by initiating construction of the boiler at Plant 8 on November 27, 1995, without first obtaining a PSD permit.
8. On July 28, 1998, representatives of HPA Monon and U.S. EPA held a conference to discuss the June 30, 1998 NOV.
9. After a review of information provided to the U.S. EPA by HPA Monon and after a thorough investigation of all relevant facts, U.S. EPA has determined that the following requirements are reasonable.

ORDER

Therefore, pursuant to Section 113(a) (1) of the Act, 42 U.S.C. §§ 7413(a) (1), it is hereby ORDERED that:

10. As of the effective date of this Order, HPA Monon shall achieve, demonstrate, and maintain compliance with 325 IAC 5-1-2(1) (A), 326 IAC 2-1, and 40 C.F.R. § 52.21 at its Monon, Indiana facility.
11. HPA Monon shall do one of the following:
 - (A) Apply for and obtain from the State a construction permit limiting operation of the boiler at Plant 8 such that its emissions do not exceed PSD significant levels, or
 - (B) fire an alternative fuel in the boiler at Plant 8 (such as natural gas) such that its emissions will remain under PSD significant levels, or
 - (C) perform a BACT analysis with respect to the appropriate controls for its boiler at Plant 8 and install such controls.

12. If HPA Monon continues to fire hogged wood fuel in its boiler at Plant 8, the company shall comply with the following:
- (A) On or before October 31, 1998, HPA Monon shall obtain cost estimates regarding the installation of a device to measure the pressure drop in its multiclone collector to ensure that the air pollution control device is operating optimally, and shall initiate the purchase of such pressure drop measuring device.
 - (B) On or before December 31, 1998, HPA Monon shall install, certify, and begin operation of such pressure drop measuring device.
 - (C) On or before January 31, 1999, HPA Monon shall submit to U.S. EPA a report certifying that the pressure drop measuring device has been installed and that it is operating properly.
 - (D) On or before January 31, 1999, HPA Monon shall determine, with respect to the multiclone collector, the optimum operating pressure drop range for maintaining compliance with 325 IAC 5-1-2(1) (A), as determined by the pressure drop measuring device, and shall submit such determination to U.S. EPA.
 - (E) Thereafter, HPA Monon shall record pressure drop data regarding the multiclone collector once per hour during operation of the boiler at Plant 8. If at any time the pressure drop is found to be out of the optimum range, HPA Monon shall immediately take corrective action to return to the optimum pressure drop operating range.
13. Following the issuance of this Order until its expiration, HPA Monon shall copy U.S. EPA on all documents submitted to the Indiana Department of Environmental Management (IDEM) Permitting Division relating to the boiler at Plant 8.
14. All submittals shall be sent to Howard Caine, Air Enforcement and Compliance Assurance Branch (AE-17J), U.S. EPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

GENERAL PROVISIONS

15. This Order in no way affects HPA Monon's responsibility to comply with other local, State, and Federal laws and regulations, including other applicable provisions of the federally approved Indiana SIP.
16. Nothing in this Order shall be construed as a waiver by U.S. EPA of any rights or remedies under the Act. U.S. EPA reserves the right to seek appropriate relief, including penalties, under Sections 113(b) and 113(d) of the Act, 42 U.S.C. §§ 7413(b) and 7413(d), and any other applicable Sections of the Act, for any violations of the Act by HPA Monon.

17. Failure to comply with this Administrative Order may subject HPA Monon to penalties, pursuant to Section 113 of the Act, 42 U.S.C. § 7413, of up to \$27,500 per day of violation.
18. The provisions of this Order shall apply to and be binding upon HPA Monon, its officers, directors, agents, servants, employees, assignees and any successors in interest. HPA Monon shall give notice of this Order to any successors in interest, prior to transfer of ownership, and shall simultaneously verify to U.S. EPA, Region 5, at the address above, that such notice has been given.
19. This Order is effective on the date of signature by the Director of the Air and Radiation Division. This Order will expire one year from the effective date, provided that HPA Monon has complied with all terms of the Order.

9/28/98
Date

Frank Zakrajsek
Frank Zakrajsek, Health Safety
Environmental Manager
HPA Monon Corporation

10/20/98
Date

Stephen Rothblatt
Stephen Rothblatt, Acting Director
Air and Radiation Division